

THE 'PENNSY'

Fights Keystone State's
Two Cent Fare Law.

PRESIDENT M'CREA

Goes Into Court at Philadelphia and
Claims that the New Law Is
Unfair and Impracticable.

Philadelphia, July 13.—President James McCrea on Friday took the witness stand in common pleas court in the case of the Pennsylvania railroad's suit to restrain the enforcement of the two-cent fare law in this state and testified that the new law is unfair and impracticable and against the interests of not only the railroad company, but against those of the traveling public. He said the new law would not attenuate passenger traffic, as was contended by those who advocated the law, but would be a hardship upon those who pay a lower rate than two cents by reason of the necessity of the company being forced to raise the commutation and other low rates now prevailing.

Much of the proceedings were taken up with the question of apportioning the percentage of passenger traffic from the other business of the company. The company has presented figures showing that the passenger traffic amounted to about 21 per cent. of the whole business done by the company. The city and county of Philadelphia, the defendant, contends that the Pennsylvania's figures are not accurate, that they are more or less guesswork, and that instead of losing money in operating its passenger trains if the fare is reduced, the company would earn about 7 per cent. on its passenger business. This conclusion was reached by different methods.

The Pennsylvania's calculations were made on the basis of "revenue train miles," or the number of miles traveled by trains that returned a revenue to the company, while the city made its calculations on "locomotive miles," or the number of miles traveled by all locomotives, including shifting engines. The Pennsylvania used the "locomotive mile" system in its account until the first of this year, when it discarded it for the other system because it is being adopted by all railroads and is favored by the interstate commerce commission.

The taking of testimony closed Friday and arguments will be held to-day. In the argument the Pennsylvania railroad will base its calculations on the "revenue train mile" system, while the city will argue its case on the other basis, leaving the court to decide which is the more equitable method.

The case will be fought up to the highest courts.

Police Stopped the Performance.

Canton, O., July 13.—The "girl in red," who came to Canton from Youngstown, where her dances created a furore, found an unkind welcome here. After one night's performance her tent was closed by the police. "This is no show for church deacons or old maids, but for worldly people for those who have been outside of their own town," she told the officers. The show is now trying to locate in the vicinity of Myers Lake, which is outside of the corporation limits.

A Railroad Detective Is Arrested.

Cleveland, July 13.—Frank Riley, a special detective on the Lake Shore railroad, was arrested here Friday on the charge of robbing a prisoner of \$3 and a razor. Riley is said to have admitted it. The victim was James Carroll, whom Riley arrested for special intoxication, while Carroll was on his way to Ashtabula to take a job as ship's cook. Carroll was discharged in police court Thursday, when he charged that Riley had taken his money.

Miners to be Arrested for Riot.

Stuebenville, O., July 13.—Warrants were secured here Friday by General Manager Willard, of the United States Coal Co., for the arrest of miners at Plum Run on the charge of riot. The miners there have been on strike since Monday, because a man was discharged. By shooting at men and into houses night and day, the miners have been kept from going to work by the lawless element.

An Important Ruling.

Columbus, O., July 13.—The state board of tax remission went on record Friday as against the attempt of county treasurers to collect the 5 per cent. penalty for the collection of delinquent taxes, except where such collection is accomplished through court process.

Burglars Escaped with \$265.

Defiance, O., July 13.—Burglars, supposed to be professionals, blew a safe in the real estate office of C. W. Butler, Thursday night, and escaped with \$265 and a collection of rare coins.

Woman Suicided.

Ashland, O., July 13.—Miss Stella Foreman, aged 55, a prominent resident of Ashland, this county, committed suicide Friday by drinking carbolic acid.

A Conductor was Killed.

Kept, O., July 13.—Erie Conductor Charles Post, aged 55, of Youngstown, was killed beneath his own train Friday.

MORE IMPORTANT THAN TRUST PROSECUTION.



LARGE FINES ARE IMPOSED.

Officers of a Steel Company are
Mulcted for Failing to Stop Ore
Dust Nuisance.

Pittsburg, July 13.—A decision of interest to property owners in the mill districts was handed down by Judge Young in common pleas court Friday in the suit instituted by the residents of Oakland against the Jones & Laughlin Steel Co. to have the company stop the emission of ore dust from its blast furnaces.

The court held all the officers of the company to be in contempt for failing to comply with the order to stop the nuisance, and fined B. F. Jones, president of the company, \$5,000, Superintendent Messner, of the Eliza furnace, \$100, and all the directors of the company each \$100. Judge Young further stated that unless the company can get a device to do away with the ore dust it must shut down the furnaces. In this case 10,000 men will be thrown out of employment in the Jones & Laughlin Co. alone. An appeal from Judge Young's decision has been taken to the Pennsylvania supreme court.

MINOR NEWS ITEMS.

A bill has been introduced in the Alabama legislature to prevent automobiles running on public roads.

In the federal court at Charleston, W. Va., the Ritter Lumber Co. pleaded guilty to charges of conspiracy to hold employees in peonage. Fine will be imposed later.

An agreement has been reached between the secretary of war and the representatives of the Catholic church in the Philippine Islands regarding a number of important matters of controversy.

Business failures in the United States for the week ending July 11 number 185, against 143 in the like week of 1906. Canadian failures for the week number 28, against 19 in this week a year ago.

Telephone War Will Continue.

Columbus, O., July 13.—At a meeting of the executive committee of the Ohio Independent Telephone association held here Friday it was decided to call a special meeting of the association at the Great Southern hotel, August 6. It was officially announced that there would be no compromise with the Bell companies at any point, but that the fight would be carried on in every town of the state. All negotiations between the Bell and a few of the independent companies have been called off.

Unwritten Law Saved Him.

St. Joseph, Mo., July 13.—Raymond Teson, pleaded insanity and the unwritten law as a defense for killing George Mayham and was acquitted by a jury Friday. Teson killed Mayham last October. The jury decided that Teson was insane when he shot Mayham, and is still of unsound mind. The slayer will be committed to an asylum. It was proved that Mayham was more than friendly to Mrs. Teson.

Arrest of Another Jap Spy.

San Diego, Cal., July 13.—It is learned from a trustworthy source that in addition to the Japanese detected in making sketches at Fort Rosecrans a few days ago, another was arrested in the fort Friday for having a blue print of the works in his possession. This Japanese was employed as a servant at the fort.

Cyclone Caused Damage.

Binghamton, N. Y., July 13.—A cyclone struck the southern part of Broome county late Thursday night, wrecking buildings and destroying orchards in the towns of Union and Maine. Loss \$10,000.

Four People Drowned.

Springfield, Ky., July 13.—Miss Nellie Noe, Miss Mary Comstock, Jacob Fargue and a negro boy, of this place, were drowned Friday in Little Beech Fork river. The young people were out in a rowboat which was swamped.

An Embezzler's Sentence.

St. Paul, Minn., July 13.—Philip Kempies, formerly paying teller at the Capital national bank, was on Friday sentenced to four years in prison. He pleaded guilty to misappropriation of \$25,000.

It Is Up to Travers and Graham.

Cleveland, July 13.—Walter J. Travers, veteran golfer, twice winner of the national championship and once winner of the title in Great Britain, was defeated in the third round of the national amateur championship Friday by W. C. Fowne, Jr., of Pittsburg. Ned Sawyer, of Wheaton, Jerome Travers, of Montclair, won from Warren K. Wood, of Homewood. Archie Graham, the North Jersey player, defeated W. T. West, of Philadelphia. Travers won from Myers and Graham defeated Fowne. Travers and Graham will meet in the finals for the championship to-day.

A Serious Mistake.

Cincinnati, July 13.—Thomas W. Benthman, who was Congressman Longworth's opponent in the November election for congress, and who is at present legal adviser of the department of subways and track extension for Cincinnati, was held until midnight at police headquarters in Middletown Thursday night on suspicion of being a pickpocket. With him there were detained a boy, who was innocent of any crime, and Frank Rogers, a well known traveling man of this city. A brakeman on the C. & H. & D. had picked them out as part of a gang of pickpockets.

Harris Asks Burton to Resign.

Columbus, O., July 13.—Gov. Harris has made a formal request for the resignation of Thompson Burton, of Youngstown, as a member of the board of managers of the Ohio penitentiary. The governor's action as the result of Mr. Burton's failure to participate in the meeting of the board of managers Thursday evening, the governor being informed that Mr. Burton was incapacitated. Mr. Burton is a democrat and was appointed a member of the board by Gov. Herlick. He was not in sympathy with the Patton administration.

Firebug's Act was Murderous.

Youngstown, O., July 13.—An unknown miscreant made an attempt to cremate a household of boarders at the home of Mrs. Angelina Worrall, early Friday morning. The incendiary was seen setting fire to some waste and oil which burned up against the house, which contained 14 persons, who were sleeping at the time. It took the combined efforts of the boarders to extinguish the blaze. The man escaped. There is no known reason for his act. All the people in the house are Italians.

Decided Against Low Fare Co.

Cleveland, July 13.—The Low Fare Co. was barred from Central avenue Friday by the special circuit court judges, who overruled every contention advanced by the Low Fare Co. in support of their franchise. This decision is based on the original low fare ordinance for Central and Quincey avenues, for which consents originally obtained by the Forest City Co. were used. A new ordinance for the Low Fare Co., backed by new low fare consents, is now on third reading in council.

A New Safety Signal Device.

Berlin, July 13.—The Prussian railway authorities have been making experiments on the line between Berlin and Stettin to find a method for insuring the efficiency of signals and thus preventing accidents. In the effort to secure a preliminary signal to give warning of a stop signal, the method finally selected consists of fastening two or three horns with a rubber bulb, similar to those used on automobiles, to telegraph poles at intervals of 100 yards. These are electrically operated and have been found very trustworthy in warning engineers.

Receivership for a Solvent Company.

Cincinnati, July 13.—In order to protect a solvent business, William H. Stewart was on Friday appointed receiver for the Enterprise Lumber Co. of this city. The appointment developed a peculiar situation. James Myers, president of the company, disappeared July 6, and notes aggregating \$50,000 signed by him as president of the company have since been passed in this city, Covington, Ky., and Chicago. As no reason for the issuance of the paper is known to his partners, they applied for the receiver in order to protect the business.

A FATAL FALL

Six People Drowned in
Conewango River.

NEAR RUSSELL, PA.

A Naphtha Launch Containing Nine
Persons was Swept Over a Dam
—Three People Escaped.

Jamestown, N. Y., July 13.—Six people were drowned late Friday evening near Russell, Pa., 11 miles south of here. Nine people had taken a gasoline launch on the Conewango river, which was very high owing to recent rains. The boat was swept over a dam and six people drowned. The dead are:

Mr. and Mrs. John Best and daughter Violet, aged 18, of Warren, Pa. Mrs. George Baker, Warren, Pa. Mrs. Hilda Knox, Warren, Pa. O. F. Huvo, a traveling salesman from Philadelphia.

A dispatch from Russell, Pa., says that Mr. and Mrs. John Best had invited a company of friends to take supper with them at their cottage on the Conewango river and had come down to the Russell boat landing to meet them. The visitors were in one naphtha launch and Mr. Best and his party in another.

The boat containing the visitors became lodged on a rock pile a short distance above the dam and Mr. Best went to assist them, when the engine in his launch broke and the boat containing nine persons drifted toward the dam without an oar to stay them. When the boat reached the dam it was drifting broadside and as it went over turned upside down. Six of the nine persons were caught under it.

Says Korea's King is a Prisoner.

Philadelphia, July 13.—The dispatch from Seoul, where King Hiro declares that the Korean king is not a prisoner, is denied by William T. Ellis, of this city, who has just returned from a protracted investigation of conditions in the Far East. Mr. Ellis says: "Everybody in Korea knows that the emperor is absolutely a prisoner in the Japanese hands. I investigated this point particularly."

Fifty Cars Remain in the Race.

Chicago, July 13.—Of the 74 cars which started in the Glidden automobile tour an even 50 reached Chicago Friday and are still in the race, although several of them have been penalized.

Hotel Blown Up by Dynamite.

Johannesburg, July 13.—The dynamite outrages arising from the strike situation throughout the mining regions continue. The first fatalities occurred Friday when Killoff's hotel at Boksburg was blown up. Three men were killed and several were injured.

Will be Dedicated September 5.

Buffalo, N. Y., July 13.—The dedication of the McKinley monument, it is announced, will take place on September 5 and that day will be observed as McKinley day of old home week.

Haywood Finishes His Testimony.

Boise, Idaho, July 13.—William D. Haywood, on trial for the murder of Gov. Steunenberg, left the witness chair Friday after he had been under examination six hours in his own defense, the time being equally divided between his own counsel and Senator Borah, who conducted the cross-examination. Haywood's testimony closes the defense, except for one witness, and his examination will take up about 15 minutes. The state will then begin the rebuttal.

A Successful Dash for Freedom.

Marquette, Mich., July 13.—Within 50 feet of the prison here and about to be turned over to that institution, Albert Peverette, bank robber and convict, one of the Michigan Lake robbers and a member of the notorious Lake Shore gang, escaped from two guards late Thursday night while the trio were entering the prison driveway. Peverette leaped from the carriage they were in, having slipped the shackles from both his hands and feet.

A Collision at Sea.

New York, July 13.—Three victims were added to the death roll of fishermen who have lost their lives in weeks caused by collisions with steamships in fog off the Massachusetts coast, when Friday the White Star line steamship Romanic ran down and sank the two-masted schooner Natalie B. Nickerson, of Booth Bay, Me., in a fog off the Nantucket lightship. Three fishermen were still missing when the Romanic steamed away after two hours' search. Fifteen fishermen were picked up from the wreckage by the Romanic's boats and brought here.

Judge Waite Dies.

Toledo, July 13.—Judge Richard Waite, pioneer lawyer of this city, died Friday, aged 75 years. He was a brother of Morris R. Waite, at one time chief justice of the United States.

Convicted of Murder.

Celina, O., July 13.—John Lynch, of Dayton, who shot and killed Harry Martin here on June 15, was on Friday found guilty of second degree murder. The jury was out 27 hours.

BUSINESS BULLETIN.

Few Complaints of Midsummer Dullness are Heard—Retail Trade Is Brisk.

New York, July 13.—R. G. Dun & Co.'s Weekly Review of Trade says: There is not the customary complaint of midsummer dullness in general trade channels, while the demand for reasonable fabrics is rapidly dissipating stocks that threatened to be carried over. Brisk retail trade is accompanied by more prompt collections and many cities that were slow to respond to the better feeling now send satisfactory reports. Jobbers and wholesalers are receiving liberal orders for fall and winter merchandise, and interior buyers are active in the primary markets. Manufacturing returns tell of large orders on hand and very heavy production during the first half of the year.

Lower prices for pig iron were due to the larger output and more prompt deliveries that reduced the premiums paid for early shipments. Consumption has not appreciably diminished, although a few of the steel mills are closed for repairs. Despite some furnaces rendered idle for the same reason, the total number in blast increased six during June.

Fueldists are Indicted.

Lexington, Ky., July 13.—A grand jury at Prestonburg found indictments Friday against Joseph Fitzpatrick and four cousins, charging them with participating in a feud which resulted in the murder of Andy Coburn a few days since. The Fitzpatricks, who are at their home in the country, say that they will not surrender.

NON-RESIDENT NOTICE

Pennsylvania Avenue.
Sarah L. Singer, owner of lots No. 2133 and 2134.

Frank Bowers, owner of lots No. 2133 and 2139.

Leon Dean, owner of lot No. 2146.

George Chamberlain, owner of lot No. 2168.

Martha L. Collins, owner of lot No. 2159.

Robert L. Sweney, heirs and State of Ohio, owner of lot No. 2162.

J. W. Shaw, heirs and State of Ohio, owner of lot No. 2178.

Non-resident owner of property as above described, will take notice that on the 13th day of May, 1907, the Council of the City of Marion, Ohio, passed a resolution to construct a Sand Stone Sidewalk on both sides of Pennsylvania Avenue, from Center Street to Indiana Avenue, in accordance with the plans, specifications and profiles on file in the office of the department of Public Service.

The cost of said improvement will be assessed upon said lots if not constructed within thirty days as required by law.

By order of the Council of the City of Marion, Ohio. CITY CLERK.

Star 7-5-12-07. Mirror 7-6-13-07.

ORDINANCE NO. 49.

Authorizing the Sun Vapor Street Light Co., to locate lights.

Be it ordained by the Council of the City of Marion, State of Ohio:

Sec. 1. That the Sun Vapor Street Light Co., be and is hereby authorized to locate gas lights as follows:

At the intersection of Davids and Columbia Streets south side corner 100 feet north of the south end of Ellis Avenue, west side.

That the city clerk shall notify said company accordingly.

Sec. 2. That this ordinance shall be in force from its passage.

Passed July 1, 1907.

J. E. PHILLIPS, President Pro Tem of City Council.

Approved by the Mayor, Louis Scherff.

Attest: William Fies, Clerk.

Star 7-5-12-07. Mirror 7-6-13-07.

RESOLUTION NO. 44.

To repair sidewalks.

Be it resolved by the Council of the City of Marion, State of Ohio:

That the sidewalks on the west side of North Main Street in front of lot No. 84 and the north half of lot No. 83, and in front of lots number 57 and 58, original plat of the City of Marion, Ohio, be repaired in the following manner, so that all of said sidewalks shall be at an even grade from the lot line to the curb line, in accordance with plans and specifications on file with the Board of Public Service.

That the Clerk of the Council be and he is hereby directed to cause a written notice of the passage of this resolution to be served as required by law.

Passed July 1, 1907.

J. E. PHILLIPS, President Pro Tem of City Council.

Approved by the Mayor, Louis Scherff.

Attest: William Fies, Clerk.

Star 7-5-12-07. Mirror 7-6-13-07.

RESOLUTION NO. 46.

Be it resolved by the Council of the City of Marion, State of Ohio:

That a sidewalk shall be constructed on the East side of Prospect street from present terminus of stone walk south to north line of McKinley Park entrance of the character and in the manner following: the same to be a four foot sandstone sidewalk laid to the established grade and constructed in accordance with the plans and specifications on file in the department of Public Service.

That the Clerk of the Council be and he is hereby directed to cause a written notice of the passage of this resolution to be served as required by law.

Passed July 1, 1907.

J. E. PHILLIPS, President Pro Tem of City Council.

Approved by the Mayor, Louis Scherff.

Attest: William Fies, Clerk.

Star 7-5-12-07. Mirror 7-6-13-07.

ORDINANCE NO. 47.

To levy special assessments on abutting property to pay the cost and expense of constructing improvements, hereinafter designated chargeable by law against said property.

Be it ordained by the Council of the City of Marion, State of Ohio:

EAST CENTER STREET.

Section 1. That a special assessment shall be levied against the lots and lands abutting on both sides of East Center street from Grand Avenue to Madison Avenue to pay the cost and expense of constructing a brick pavement the sum of One Dollar and Ninety and Five-tenths Cents (\$1.95) per linear foot.

Section 2. That a special assessment shall be levied against lot No. 221 abutting on the first alley east of State Street from Center Street south, to pay the cost and expense of constructing a brick pavement in said alley, the sum of One Dollar and Fifty-two Cents (\$1.52) per linear foot.

Section 3. All moneys collected on the above assessments shall be applied to the payment of the notes and bonds issued to cover the cost of the same and for no other purpose.

Sec. 4. This ordinance shall be in force from and after its passage and legal publication.

Passed July 1, 1907.

J. E. PHILLIPS, President Pro Tem of City Council.

Approved by the Mayor, Louis Scherff.

Attest: William Fies, Clerk.

Star 7-5-12-07. Mirror 7-6-13-07.

RESOLUTION NO. 48.

Declaring it necessary to improve Avondale Street from Silver Street to Blake Avenue to construct a sanitary sewer and cellar drain with necessary catch-basins, with laterals to the curb line, and of a suitable size, determining the general nature of the proposed improvement, the grade thereof, and approving plans, specifications and profiles therefor.

Be it resolved by the Council of the City of Marion, State of Ohio, three-fourths of all the members elected thereto concurring:

A. That it is hereby declared necessary to improve Avondale Street from Silver Street to Blake Avenue by constructing a sanitary sewer and cellar drain, with laterals to the curb line, of suitable size and dimensions, therein, with the necessary catch basins, in accordance with the plans, specifications, estimates and profiles of the proposed improvement prepared by the City Engineer and now on file in the office of the Board of Public Service which are hereby approved.

B. That the grade of said street as improved shall be as shown on the plans and specifications.

C. That the whole cost of said improvement, less one-fifth thereof, shall be assessed by the foot frontage upon the following described lots and lands, to-wit: All lots and lands bounding and abutting upon the proposed improvement which said lots and lands are hereby determined to be especially benefited by said improvement; and that the cost of said improvement shall include the expense of preliminary and other surveys, and of the printing and publishing of said notices, cost of construction, together with interest on bonds issued in anticipation of the collection of the deferred installments of assessments, and other necessary expenses.

D. That the assessment so to be levied shall be paid in five (5) annual installments with interest on deferred payments and not to exceed six (6) per cent. per annum, providing that the owner of any property assessed may, at his option, pay such assessments in cash, or any number of installments of the same at any time after such assessment has been levied, with interest on the same to the semi-annual interest day of said bonds next following the date of payment.

E. That bonds of the City of Marion, Ohio, shall be issued in anticipation of the collection of the assessments by installments and in any amount equal thereto.

F. That the remainder of the entire cost shall be paid by the issuance of bonds as required by law.

Passed July 1, 1907.

J. E. PHILLIPS, President Pro Tem of City Council.

Approved by the Mayor, Louis Scherff.

Attest: William Fies, Clerk.

Star 7-5-12-07. Mirror 7-6-13-07.

ORDINANCE NO. 48.

Accepting Bain Brothers' 3rd Addition to the City of Marion, Ohio.

Be it ordained by the Council of the City of Marion, State of Ohio:

Section 1. That the Third Addition or Bain Brothers' being a tract of land in the City of Marion, Ohio, bounded on the north by the C. C. C. & St. L. R. R. Right of Way, on the east by True's Official Survey 325; on the south by Wilson Avenue and on the west by Clark Dix's First Addition to said City, and being the same premises conveyed by Frank A. Huber, and wife to said John H. and George S. Bain by deed of October 9, 1899, recorded in Vol. 110, page 138, of Records of Deeds of Marion County, Ohio, be and the same is hereby accepted. And all the streets and alleys as marked on the plat of said addition be and the same are hereby accepted as such.

Sec. 2. The lots in said addition shall be numbered from 8406 to 8423 consecutively.

Sec.